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1171/42323/150-PCT-US

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

10/518331

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **BREATHING ASSISTANCE APPARATUS**, the specification of which

(check one) [] is attached hereto.

[X] was filed on July 11, 2003 as Application Serial No PCT/NZ03/000152
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

520167
(Number)

New Zealand
(Country)

12/07/2002
(Day/Month/Year Filed)

[✓] Yes [] No

(Number)

(Country)

(Day/Month/Year Filed)

[] Yes [] No

(Number)

(Country)

(Day/Month/Year Filed)

[] Yes [] No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below; insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Number)

(Country)

(Day/Month/Year Filed)

[] Yes [] No

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Richard A. Giangiorgi, Reg. 24,284; Raiford A. Blackstone, Jr., Reg. 25,156; David J. Marr, Reg. 32,915; Linda L. Palomar, Reg. 37,903; James R. Foley, Reg. 39,979; James A. O'Malley, Reg. 45,952 and Paige A. Kitzinger, Reg. 45,219.

SEND CORRESPONDENCE TO: TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD.
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DIRECT TELEPHONE CALLS TO: (312) 704-1890 RAIFORD A. BLACKSTONE, JR.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first or sole inventor DAVID FRASER WIXEY

Inventor's signature _____ Date _____

Residence _____ Auckland, New Zealand

Citizenship _____ New Zealand

Post Office Address _____ 51B Dignan Street, Point Chevalier, Auckland, New Zealand

(Supply similar information and signature for second and subsequent joint inventors.)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of second inventor ALASTAIR EDWIN McAULEY

Inventor's signature _____ Date _____

Residence _____ Auckland, New Zealand

Citizenship _____ New Zealand

Post Office Address _____ 58 Ngapuhi Road, Remuera, Auckland, New Zealand

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of third inventor CHRISTOPHER EARL NIGHTINGALE

Inventor's signature _____ Date _____

Residence _____ Poplar, London

Citizenship _____ New Zealand

Post Office Address _____ 18 Settlers Court, 17 Newport Avenue, Poplar, London E14-2DG

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of fourth inventor LEWIS GEORGE GRADON

Inventor's signature _____ Date _____

Residence _____ Auckland, New Zealand

Citizenship _____ New Zealand

Post Office Address _____ 22 Brailsford Court, Howick, Auckland, New Zealand

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of fifth inventor IVAN MILIVOJEVIC

Inventor's signature _____ Date _____

Residence _____ Auckland, New Zealand

Citizenship _____ New Zealand

Post Office Address _____ 221B Lake Road, Takapuna, Auckland, New Zealand

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